



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JUL 24 2002

Ms. Dale D. Benincasa
President
AFGO Laboratories, Inc.
P.O. Box 390413
Denver, CO 80239

Ref. No. 02-0166

Dear Ms. Benincasa:

This is in response to your June 13, 2002, letter concerning the manner in which proper shipping name and identification number markings may be displayed on your product label under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Section 172.304(a)(4) states that the required markings (proper shipping name and identification number) must be located away from any other marking (such as advertising) that could substantially reduce its effectiveness. The required markings appearing on your enclosed label satisfy this requirement.

If you wish to make the required marking more prominent, the label could be modified by placing the required markings (proper shipping name and identification number) on the upper left side of the label where the product directions are displayed and the product direction could be placed directly under the required markings. In our opinion, modifying your product label in this manner would satisfy the requirement (§172.304) to locate the package marking away from other mark

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Delmer F. Billings
Chief, Standards Division
Office of Hazardous Materials Standards



02-0166

172.304(a)(4)

AFGO
LABORATORIES, INC.

Peterford
§ 172.304
Marking
02-0166

June 13, 2002

Mr. Edward Mazzullo
Director of Office of Hazardous Material Standards
US DOT > RSPA DHM-10
400 7TH Street SW
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

As President and owner of AFGO Laboratories, Inc. in Denver, Colorado, I am requesting clarification on CFR 49 Parts 100-185, Section 172.304 Marking Requirements. I have been told that separate labels must be attached to our non bulk containers because our present labels do not clearly show proper shipping names, identification numbers, or the identified hazardous material, and do not comply with 172.304 (4) of Marking Requirements.

I am sending a copy of the label that was used as a sample to determine that our labels were not acceptable. I am requesting advisement on how to proceed. Please fax your response to 303-371-8133. I will most anxiously await your determination.

Sincerely,



Ms. Dale D. Benincasa
President
AFGO Laboratories, Inc.